

REMARKS

As a result of this amendment, Claim 7 is currently pending. Claims 1-6, 8-13 have been cancelled. The specification has been amended, page 1 in the related application data section to update the status of the parent application.

No new matter has been entered into this application by way of amendment.

Objections

On page 2, paragraph 2 of the Office Action, the specification has been objected to because the status of US application 09/902,086 needed to be updated. Applicants have amended the application as suggested by the Examiner. Withdrawal of the objection is therefore respectfully requested.

Claim Rejections

Claims 1-13 have been rejected under 35 USC 102(b) as allegedly being anticipated by Dixon (US 4,443,171). This rejection is traversed, in-part.

Applicants believe Dixon does not teach or suggest the invention of present claim 7 for the following reasons.

Claim 7 is directed to an enclosed press punch assembly. The press disclosed in Dixon is a Single Station Eccentric Press.

The feed frame in the prior art is open and compaction takes place when upper punch plunges into the die. The consequence of this type of mechanism is causing possible powder puffing making operation dusty and risky for exposure to the operator and people in the area. It can be seen in Dixon, Fig 3B, that the process would typically require a hopper and feed frame. This requires extra material to allow for process losses.

As explained in the present specification, page 9, lines 10-21, the instant invention allows the user to make single compacts simply by transferring the weighed amount directly to the die and then compressing on a hydraulic press. The instant enclosed press punch assembly, in contrast to Dixon, is portable and materials can be easily prepared and transferred to the stack die under a lab hood and sealed prior to compaction making the process less dusty and risky to the operators. There is essentially no product loss therefore additional material is not needed, which is essential for early development work with limited product supply.

In view of the foregoing it is believed that Dixon does not disclose the enclosed press punch assembly of the present invention therefore withdrawal of the 35 USC 102(b) is proper and respectfully requested.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Anthony P. Bottino
Anthony P. Bottino
Reg. No. 41,629

4/17/2005

Dated

Respectfully submitted,

Anthony P. Bottino

Anthony P. Bottino
Registration No. 41,629
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road/P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 791-6764
Facsimile: (203) 798-4408